

LUD 5722.1 (10111925)REMARKS

Claims 1-6, 12-15 and 23 are presented. Claims 1-15 have been withdrawn from consideration. Claims 6, 12, 13, 14, 15, and 23 are presented for examination.

Applicants have amended page 2 of the specification to include a reference to SEQ ID NO: 2 for interleukin-22/IL-22. There is no requirement that this be done repeatedly.

Claim 6 has been amended to incorporate claim 7 therein, rendering claim 7 superfluous, and claim 7 was canceled. Claim 9 was redundant of the amended claim and was canceled. Claims 11 and 12 have been combined into a single claim. Minor cosmetic changes have been made to the other claims.

The combining of claims 6 and 7, and 11 and 12, renders the prior art rejections moot, since neither claim 7 nor claim 12 were rejected thereunder. This also eliminates the double patenting rejection.

With respect to the rejections under 35 U.S.C. § 112, second paragraph, the independent claims recite "interleukin-22." The allegedly problematic language of "b" and "c" is eliminated.

The Examiner alleges that the pending claims lack utility. Applicants traverse.

The Examiner notes that there are species of interleukin-22 with similar primary structures, i.e., amino acid sequences. Interleukin-22 has known utilities. There is no reason to believe, nor has the Examiner provided any evidence, that the claimed mutations would not show this activity. The Examiner has not met the burden required for a rejection under 35 U.S.C. § 101, and the rejection should be withdrawn.

With respect to the rejections under 35 U.S.C. § 112, these are traversed.

First, the claims specify with particularity where mutations may occur. Second, the ability to change one amino acid by another is well known to the art and would not involve under experimentation. Third, the discussion of the properties of IL-22 elaborated by the Examiner are interesting but irrelevant, since no such properties are recited as requirements in the claims.

LUD 5722.1 (10111925)

Finally, the Examiner is reminded that for a rejection under 35 U.S.C. § 112 to be proper, objective evidence must be provided. The Examiner states:

"The nature and breadth of the claimed invention encompasses a mutant of IL-22 in which single or multiple mutations is made to stabilize the dimer form of IL-22."

None of these properties are recited in the claims, so the rejection is irrelevant.

The remainder of the Examiner's rejection is based upon this premise, and as the premise is false, everything following therefrom is false as well.

As such, the rejection should be withdrawn.

All issues have been addressed. Allowance of the application is believed proper, and is urged.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. LUD-5722.1-US (10111925) from which the undersigned is authorized to draw.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By 

Norman Hanson  
Reg. No. 30,946

666 Fifth Avenue  
New York, NY 10103  
(212) 318-3148